

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-11054 DDP (RZ)	Date	September 6, 2013
Title	GREGORY JONES v. STATE OF CALIFORNIA		

Present: The Honorable	RALPH ZAREFSKY, U.S. MAGISTRATE JUDGE
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Ilene Bernal

N/A

Deputy Clerk

Court Reporter / Recorder

Attorney Present for Petitioner:

Attorney Present for Respondent:

N/A

N/A

Proceedings:

In Chambers –

ORDER TO PETITIONER RE NEED FOR –

- 1. FILING OF PROPER PETITION; and**
- 2. FILING FEE OR *IN FORMA PAUPERIS* APPLICATION**

In November 2012, state inmate Gregory Jones filed a Request in the Court of Appeals for Leave to File a Second or Successive Petition. The Ninth Circuit granted his Request on August 26, 2013 and ordered as follows: “The Clerk shall transfer the petition [*sic*] received on November 21, 2012, to the United States District Court for the Central District of California. The petition shall be deemed filed in the district court on November 15, 2012[.]” This Court hereby ORDERS Petitioner to correct two shortcomings before the action can proceed further, within 30 days of this order.

First, Petitioner must file a proper pleading. Although the Ninth Circuit referred to his transferred Request as “the petition,” and although Petitioner’s new habeas claims can be discerned somewhat from the Request, the Request is not a true habeas petition, let alone one presented on the required form CV-69, *see* Civ. L.R. 83-16.1, a copy of which form is attached to this order. Moreover, in preparing his petition, Petitioner must name a proper respondent, namely his prison’s warden, rather than the State of California. *See* 28 U.S.C. § 2242; Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts; *Rumsfeld v. Padilla*, 542 U.S. 426, 124 S. Ct. 2711, 159 L. Ed. 2d 513 (2004).

Second, he must either pay the \$5 filing fee or file a Form CV-60P Request to Proceed Without Prepayment of Filing Fee with Declaration in Support. A copy of the form is also attached.

If Petitioner fails to comply with either or both parts of this order within 30 days, then the action may be dismissed without prejudice.

Attachments: Forms CV-69 and CV-60P

Initials of Preparer

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